

### R E M A R K S

Reconsideration of this application, as amended, is respectfully requested.

### THE CLAIMS

Independent claim 1 has been amended to incorporate claim 13, which has been canceled, and claims 7 and 10 have been amended to better accord with amended claim 1.

In addition, independent claim 2 has been amended to incorporate claim 14, which has been canceled, and claims 8 and 11 have been amended to better accord with amended claim 2.

No new matter has been added, and it is respectfully requested that the amendments to the claims be approved and entered.

### THE PRIOR ART REJECTION

Claims 1, 2, 7, 8, 10, 11, 13, and 14 were rejected under 35 USC 103 as being obvious in view of US 2005/0096616 ("Arora et al"), and claims 4 and 5 were rejected under 35 USC 103 as being obvious in view of the combination of Arora et al and USP 6,702,795 ("Klemp"). These rejections, however, are respectfully traversed with respect to the claims as amended hereinabove.

According amended independent claim 1, the back sheet includes a slightly colored area and a darkly colored area, wherein a light transmittance of light transmitted through the top sheet, the slightly colored area of the back sheet, and the absorbent body is at least 15%, and wherein the absorbent article includes a portion in which a light transmittance of light transmitted through the top sheet, the darkly colored area of the back sheet, and the absorbent body is less than 15%.

In addition, according to amended independent claim 2, the back sheet includes a colored area and a non-colored area, wherein a light transmittance of light transmitted through the top sheet, the non-colored area of the back sheet, and the absorbent body is at least 15%, and wherein the absorbent article includes a portion in which a light transmittance of light transmitted through the top sheet, the colored area of the back sheet, and the absorbent body is less than 15%.

With the structure recited in claims 1 and 2, an absorbent article can be provided that can be properly checked by an optical sensor in an inspection process during manufacturing, while also providing more visual effects by coloring the surface of the back sheet. The coloring on the back sheet can provide various visual effects, including a sense of integration of the absorbent article with underwear, a greater feeling of security, and patterns which could have a cheerful effect.

As explained on pages 7 and 8 of the Amendment filed on December 28, 2009, in a process of manufacturing sanitary napkins, for example, an optical sensor is used to inspect products. In the inspection process, light is transmitted through the top sheet, the slightly colored or non-colored area of the back sheet, and the absorbent body. If light transmittance is determined to be below a certain value (for example, 15%), the sanitary napkin is rejected.

With the above structure recited in amended independent claim 1, since a light transmittance of light transmitted through the top sheet, the slightly colored area of the back sheet, and the absorbent body is at least 15%, the inspection process performed by an optical sensor during the manufacturing process can be carried out properly using this portion of the absorbent article. Along similar lines, with the structure recited in amended independent claim 2, since a light transmittance of light transmitted through the top sheet, the non-colored area of the back sheet, and the absorbent body is at least 15%, the inspection process performed by an optical sensor during the manufacturing process can be carried out properly using this portion of the absorbent article. With the structure recited in claims 1 and 2, even if the light transmittance of most of the back sheet is 15% or less, proper discrimination between

acceptable and unacceptable products can be reliably performed in the inspection process.

Moreover, with the structures recited in amended independent claims 1 and 2, a "darkly colored area" (claim 1) and "colored area" (claim 2) are also provided, which allows visual effects to be provided to the absorbent articles, as described above.

Thus, with the structures recited in amended independent claims 1 and 2, absorbent articles can be produced which are both visually appealing and which can be properly checked by an optical sensor in an inspection process during manufacturing.

It is respectfully submitted that Arora et al and Klemp, considered singly or in any reasonable combination, do not disclose or suggest the structure recited in amended independent claim 1 and the structure recited in amended independent claim 2.

Arora et al discloses that an absorbent article with high transparency should be provided to create an absorbent article that provides discretion (is unobtrusive). As explained in paragraph [0003] of Arora et al,

Typically, disposable absorbent articles used as sanitary protection are white. Because the materials, e.g., fibers and films, used to make the components, e.g., cover, absorbent core and barrier, of such absorbent articles often do not have the desired color, pigments, dyes, or other color imparting materials, such as, titanium dioxide, carbon black, and the like, are added to such materials to produce the desired color. However, for example, a cover and barrier

layer produced from such pigmented materials  
may make the article or its contour highly  
visible, thereby reducing discretion.

In order to provide increased discretion, the object of Arora et al is to provide a highly transparent article that overcomes the drawbacks described at paragraphs [0003]-[0006]. See paragraphs [0008]-[0009].

It is respectfully submitted that Arora et al therefore teaches away from the structure recited in claim 1 wherein the back sheet includes a slightly colored area and a darkly colored area, and wherein the absorbent article includes a portion in which a light transmittance of light transmitted through the top sheet, the darkly colored area of the back sheet, and the absorbent body is less than 15%. Similarly it is respectfully submitted that Arora et al therefore teaches away from the structure recited in claim 2 wherein the back sheet includes a colored area and a non-colored area, and wherein the absorbent article includes a portion in which a light transmittance of light transmitted through the top sheet, the colored area of the back sheet, and the absorbent body is less than 15%.

On pages 3-4 of the Final Office Action, the Examiner asserts that paragraph [0047] of Arora et al discloses a barrier layer 35 (pointed to by the Examiner as corresponding to a back sheet) that "may or may not include a colored area." The Examiner further asserts that paragraph [0047] of Arora et al

suggests the use of both slightly colored and darkly colored areas, or both colored and non-colored areas. And the Examiner points out that paragraph [0062] of Arora et al discloses that the transparency and absorbency can be varied "by varying the thickness and/or materials that are included in the coating 100."

Paragraph [0047] of Arora et al discloses that the barrier layer 35 "is substantially transparent and may be free of colorants such as dyes and/or pigments." It is respectfully submitted, however, that paragraph [0047] of Arora et al does not disclose or suggest the structure recited in amended independent claims 1 and 2. Indeed, as explained above, the object of Arora et al is to provide a discreet, highly transparent article.

Accordingly, paragraph [0047] of Arora et al discloses that the barrier layer 35 is "substantially transparent." Paragraph [0022] of Arora et al defines "substantially transparent" as follows: "As used herein, 'substantially transparent' refers to those individual layers or articles having a structure, composition, thickness, such that between about 45 to about 100 percent of light intensity in the visible spectrum is transmitted through the thickness of the layer of material or article."

Thus, paragraph [0047] of Arora et al explicitly discloses that the barrier layer 35 has a light transmittance such that "between about 45 to about 100 percent of light intensity in the visible spectrum is transmitted through the thickness of the layer of material or article," as defined in paragraph [0022].

It is respectfully pointed out, moreover, that according to paragraph [0056] of Arora, "the article 1 as a whole is substantially transparent, i.e., the entire article has a transparency that is greater than about 45%" (emphasis added). And according to paragraph [0003] of Arora et al, it is a problem of the prior art that "the article as a whole" is not substantially transparent, and therefore is not sufficiently discreet. And although paragraph [0062] discloses that "transparency and absorbency" can be varied by varying the coating 100 within the article, Arora et al emphasizes that the article as a whole should be substantially transparent (paragraphs [0056] and [0003], for example).

It is respectfully submitted, therefore, that Arora et al teaches away from providing a back sheet including both a slightly colored area and a darkly colored area, and it is respectfully submitted that Arora et al also teaches away from providing a back sheet including both a colored area and a non-colored area.

By contrast, Arora et al discloses that to provide a discreet absorbent article, the barrier layer 35 (a back sheet, according to the Examiner), and the absorbent article as a whole should be highly transparent, meaning a light transmittance of at least about 45%.

Accordingly, it is respectfully submitted that Arora et al does not disclose or suggest the structure recited in claim 1 wherein the back sheet includes a slightly colored area and a darkly colored area, and wherein the absorbent article includes a portion in which a light transmittance of light transmitted through the top sheet, the darkly colored area of the back sheet, and the absorbent body is less than 15%. And it is respectfully submitted that Arora et al does not disclose or suggest the structure recited in claim 2 wherein the back sheet includes a colored area and a non-colored area, and wherein the absorbent article includes a portion in which a light transmittance of light transmitted through the top sheet, the colored area of the back sheet, and the absorbent body is less than 15%.

Indeed, it is respectfully submitted that including a darkly colored area or colored area as recited in claim 1 or claim 2 is contrary to the purpose of Arora et al.

Klemp, moreover, which was only cited with respect to dependent claims 4 and 5, merely discloses a back sheet 18



including instructional printing 66. It is respectfully submitted that Klemp does not disclose or suggest the features of amended independent claims 1 and 2 described above.

And it is respectfully submitted that it would not have been obvious to one of ordinary skill in the art to combine the teachings of Klemp with the teachings of Arora et al as suggested by the Examiner. In this connection, it is respectfully pointed out that adding instructional marks to the article of Arora et al would make the absorbent article readily visible, and it is respectfully submitted that such a modification is thus contrary to the goal of Arora et al, which is to provide a discreet, highly transparent article.

In view of the foregoing, it is respectfully submitted that amended independent claims 1 and 2, and all the claims respectively depending therefrom, clearly patentably distinguish over Arora et al and Klemp, taken singly or in combination consistent with the respective fair teachings thereof, under 35 USC 103.

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Entry of this Amendment, allowance of the claims and the passing of this application to issue are respectfully solicited.

If the Examiner has any comments, questions, objections or recommendations, the Examiner is invited to telephone the undersigned at the telephone number given below for prompt action.

Respectfully submitted,

/Douglas Holtz/

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